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Argentina, Austria, Belgium, Chile, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Lithuania, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[2] the international Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Geneva Conventions of 12 August 1949 for the protection of victims of war,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5] and the Convention on the Rights of the Child,[6] as well as to the African Charter on Human and Peoples' Rights,[7]

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 39/46, annex.
[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[5] Resolution 2106 A (XX), annex.
[6] Resolution 44/25, annex.
[7] United Nations, *Treaty Series*, vol. 1520, No. 26363.

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Recalling its previous resolutions on this subject, including the most recent, resolution 53/160 of 9 December 1998, taking note of Commission on Human Rights resolution 1999/56 of 27 April 1999,[8] as well as Security Council resolution 1234 (1999) of 9 April 1999, and mindful of Security Council resolution 1258 (1999) of 6 August 1999,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights, and stressing the importance of technical cooperation with a view to strengthening regional cooperation for the promotion and protection of human rights,

Recalling the decision of the Commission on Human Rights to request the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo,[8] while noting that the security situation in the Democratic Republic of the Congo does not yet allow such a mission,

Noting the stated intention of the Government of the Democratic Republic of the Congo progressively to abolish the death penalty,

1. *Welcomes*:

(a) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;[9]

(b) The two visits in February and August/September 1999 of the Special Rapporteur to the Democratic Republic of the Congo at the invitation of the Government and the cooperation of the Government in this regard;

(c) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, while encouraging the Government of the Democratic Republic of the Congo to work closely and to further strengthen its cooperation with the Field Office;

(d) The Lusaka Ceasefire Agreement of 10 July 1999, signed by all parties involved in the conflict in the Democratic Republic of the Congo as at 31 August 1999;[10]

(e) The appointment by the Secretary-General of a Special Envoy for the peace process for the Democratic Republic of the Congo;

(f) The appointment of the Minister of Human Rights within the Government of the Democratic Republic of the Congo, and expresses the hope that this appointment will contribute to an improvement of the situation of human rights;

(g) The commitment by the Government of the Democratic Republic of the Congo to cooperate with United Nations agencies and non-governmental organizations in ensuring demobilization, rehabilitation and reintegration of child soldiers, and calls upon the Government of the Democratic Republic of the Congo to fully implement its commitment;

[8] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[9] A/54/361 and Corr.1.

[10] S/1999/815.

2. *Expresses its concern*:

(a) At the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(b) At the preoccupying situation of human rights in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, in particular:

(i) The perpetration of massacres, in the course of the conflicts, including, more recently, in 1998 and 1999, those in Kasika, Makobola, Kamituga, Kavumu, Kilungutwe, Kasanga, Kazima, Mboko, Kabare, Mwenga and Libenge;

(ii) The occurrence of cases of summary or arbitrary executions, disappearances, torture, beatings, arbitrary arrest and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms, and reports of sexual violence against women and children and the continuing recruitment and use of child soldiers;

(iii) The trial of civilians and the imposition of the death penalty by the Military Court in disregard of the provisions contained in the International Covenant on Civil and Political Rights;[2]

(c) At the excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(d) At the persecution of human rights defenders and their organizations throughout the territory of the Democratic Republic of the Congo;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To work for the full and timely implementation of the provisions of the Lusaka Ceasefire Agreement and to re-establish the authority of the Government of the Democratic Republic of the Congo throughout its territory, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;

(b) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war,[4] and the Additional Protocols thereto of 1977[11] and the Convention on the Prevention and Punishment of the Crime of Genocide,[12] especially with regard to respect for the rights of women and children, and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country regardless of their origin;

(c) To ensure the safety, security and freedom of movement of the United Nations and associated personnel within the Democratic Republic of the Congo and, in this regard, to ensure safe and unhindered access of humanitarian personnel to all affected populations;

(d) To cease all military activity in the Democratic Republic of the Congo;

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[11] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[12] Resolution 260 A (III).

(e) To bring an end to all violations of human rights and to ensure that there is no impunity for human rights violators;

(f) To cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo, and also with the Secretary-General and the United Nations High Commissioner for Human Rights in addressing these allegations, with a view to the submission of a further report by the National Commission of Inquiry to the Secretary-General on the progress of its investigations on this question;

4. *Calls upon* the Government of the Democratic Republic of the Congo:

(a) To comply with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms;

(b) To fulfil its responsibility to protect the human rights of the population on its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its borders;

(c) To uphold its commitment to reform and restore the judicial system and in particular to reform military justice in conformity with the provisions of the International Covenant on Civil and Political Rights, and encourages provisional assistance to this end;

(d) To implement fully its commitment to the democratization process, in particular the national dialogue, as set out in the Lusaka Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people of the country;

(e) To put an end to impunity and to make sure that those responsible for human rights violations are brought to justice;

(f) To remove remaining administrative restrictions on the activities of political parties and to prepare for the holding of democratic, free, transparent and fair elections;

(g) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, including by strengthening cooperation with civil society, including all human rights organizations;

(h) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly;

(i) To cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

5. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-fifth session.